

8-1



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

MEETING DATE February 4, 2005 EFFECTIVE DATE February 19, 2005	CONTACT/PHONE Andrea Miller 781-4171	APPLICANT Marilyn Maddox	FILE NO. DRC2004-00081
<b>SUBJECT</b> Request by Marilyn Maddox to modify guesthouse standards to allow a 600 square foot guesthouse located farther than the 50 feet maximum (100 feet requested) from the existing primary residence, on an approximately 40 acre parcel. The project involves converting a barn/tack room to a guesthouse on property located at 555 Saint Remy, 2.8 miles along High Mountain road from Lopez Lake, east of the city of Arroyo Grande, in the Huasna-Lopez County planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit DRC2004-00081 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 3 Categorical Exemption (ED04-241) was issued on December 9, 2004			
LAND USE CATEGORY Agricultural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 085-136-003	SUPERVISOR DISTRICT(S) <b>1 2 3 4 5</b>
<b>PLANNING AREA STANDARDS:</b> Agricultural Land Use Category – Huasna-Lopez Area Plan Does the project meet applicable Planning Area Standards: Yes - see discussion			
<b>LAND USE ORDINANCE STANDARDS:</b> 22.30.410 – Guesthouse and home offices Does the project conform to the Land Use Ordinance Standards: Yes - see discussion			
<b>FINAL ACTION</b> This tentative decision will become final action on the project, effective on the 15 <sup>th</sup> day following the administrative hearing, or on February 19, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
<b>EXISTING USES:</b> Single family residence and one tack room/barn.			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Agricultural; Horse Corral      East: Agricultural; Horse Corral South: Agricultural; Residential      West: Agricultural; Residential			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was referred to: Public Works, City of Arroyo Grande, Agricultural Commissioner's Office, CDF and the Regional Water Quality Control Board			
TOPOGRAPHY: Moderately sloping		VEGETATION: Oak Tress, grasses	

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PROPOSED SERVICES:  
Water supply: On-site well  
Sewage Disposal: Individual septic system  
Fire Protection: CDF

ACCEPTANCE DATE:  
November 12, 2004

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:  
COUNTY GOVERNMENT CENTER, SAN LUIS OBISPO, CALIFORNIA 93408, (805) 781-5600, FAX: (805) 781-1242

## DISCUSSION

Neighbors to this project have stated their concerns in a letter to the planning department regarding Ms. Maddox's barn conversion to a guesthouse. The concern is that the project does not comply with the CC&Rs for this property; the county does not enforce private CC&Rs. All letters, and Ms. Maddox's response to those letters, are attached to this staff report.

### PLANNING AREA STANDARDS:

None Applicable

### LAND USE ORDINANCE STANDARDS:

22.30.410 – Guesthouses and home offices. A guesthouse or home office (sleeping or home office facilities *without* indoor connection to the living area of a principal residence) may be established as a use accessory to a residence as follows:

1. **Limitation on use.** A guesthouse or home office:
  - a. May contain living area, a maximum of two bedrooms and one bathroom. The living area may include a wet bar, limited to a single sink and an under-counter refrigerator that are not located in a separate room.
  - b. Shall not be designed to contain or accommodate cooking or laundry facilities, and shall not be used for residential occupancy independent from the principal residence or as a dwelling unit for rental;
  - c. Shall not be allowed on any site containing a secondary dwelling established in compliance with Section 22.30.470;
  - d. Shall not be provided an electric meter separate from the principal residence.
2. **Location.** A guesthouse shall not be located more than 50 feet from the principal residence, or as otherwise approved through a Minor Use Permit, and shall not be located within any required setback area.
3. **Floor area limitation.** The maximum floor area allowed for a guesthouse is 40 percent of the habitable floor area of the main residence, up to a maximum of 600 square feet.

### COMMUNITY ADVISORY GROUP COMMENTS:

The project is not within an advisory group area.

### AGENCY REVIEW:

Public Works - Recommends approval, no concerns.

City of Arroyo Grande - No comment.

Agricultural Commissioner's Office - No comment's received

CDF - No comment's received

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Planning Department Hearing  
Minor Use Permit DRC2004-00081/Maddox  
Page 3

Regional Water Quality Control Board – Recommend that any septic system serving proposed development comply with Basin Plan criteria for siting and design.

Staff report prepared by Andrea Miller and reviewed by Chuck Stevenson

8-4

## EXHIBIT A - FINDINGS

### *CEQA Exemption*

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303(a) because it is a secondary dwelling in a residential zone.

### *Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the addition of a guesthouse does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the guesthouse is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located along Saint Remy, a public Road, paved and constructed to a level able to handle any additional traffic associated with the project.

### *Guesthouse Adjustments*

- G. Modification of the distance a guesthouse is allowed to be located from a principal dwelling from 50 feet to approximately 100 is justified because the area within 50 feet consists of relatively steep slopes that would require more grading and tree removal than the proposed location within an existing building.

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## EXHIBIT B - CONDITIONS OF APPROVAL

### Approved Development

1. This approval authorizes the use of a guesthouse to be located up to approximately 100 feet from the existing primary residence.
2. All development shall be consistent with the approved site plan.

### Fire Safety

3. **Prior to issuance of a construction permit**, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the county Fire Department (CDF).
4. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

### Services

5. **Prior to issuance of construction permit**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
6. **Prior to issuance of construction permit**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site and comply with the Regional Water Quality Control Board's Basin Plan criteria for siting and design.

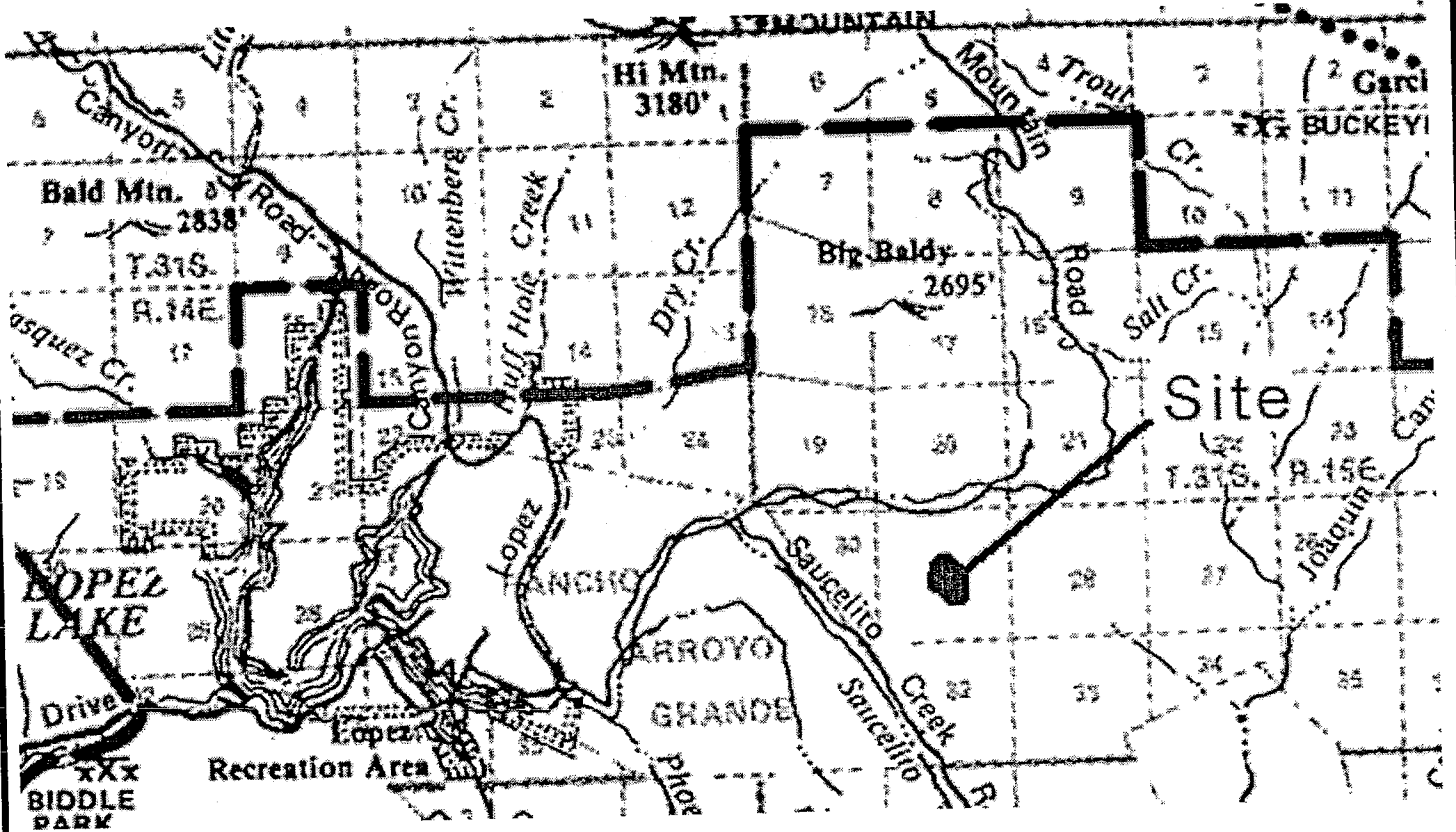
### Occupancy Requirement

7. The property owner of the site agrees that the guesthouse shall not be used for residential occupancy independent from the principal residence or as a dwelling unit for rental.

### Miscellaneous

8. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
9. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070.

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Maddox

DRC2004-00081

County of San Luis Obispo Department of Planning & Building

Vicinity Map

A detailed topographic map showing a mountainous area. The map features numerous contour lines indicating elevation, with labels such as 1000, 1200, 1400, 1600, 1800, 2000, 2200, 2400, 2600, 2800, 3000, 3200, 3400, 3600, 3800, 4000, 4200, 4400, 4600, 4800, 5000, 5200, 5400, 5600, 5800, 6000, 6200, 6400, 6600, 6800, 7000, 7200, 7400, 7600, 7800, 8000, 8200, 8400, 8600, 8800, 9000, 9200, 9400, 9600, 9800, and 10000. A prominent road, labeled 'ROAD', runs horizontally across the upper portion of the map. A shaded area, outlined in black, is located in the center-right of the map. The word 'MOUNTAIN' is written across the middle of the map. The word 'Creek' appears in the lower-left corner. The word 'AGRICULTURE' is written in large, bold letters in the upper-right corner. The map also includes a grid system with numbers 1 through 10 along the top and bottom edges, and letters A through J along the left and right edges. A shaded area is also visible in the lower-left corner, near the 'Creek' label. The map is oriented with North at the top.

## Maddox

**DRC2004-0006 I**  
*County of San Luis Obispo Department of Planning & Building*

Hi Mountain St. Remy Rd.

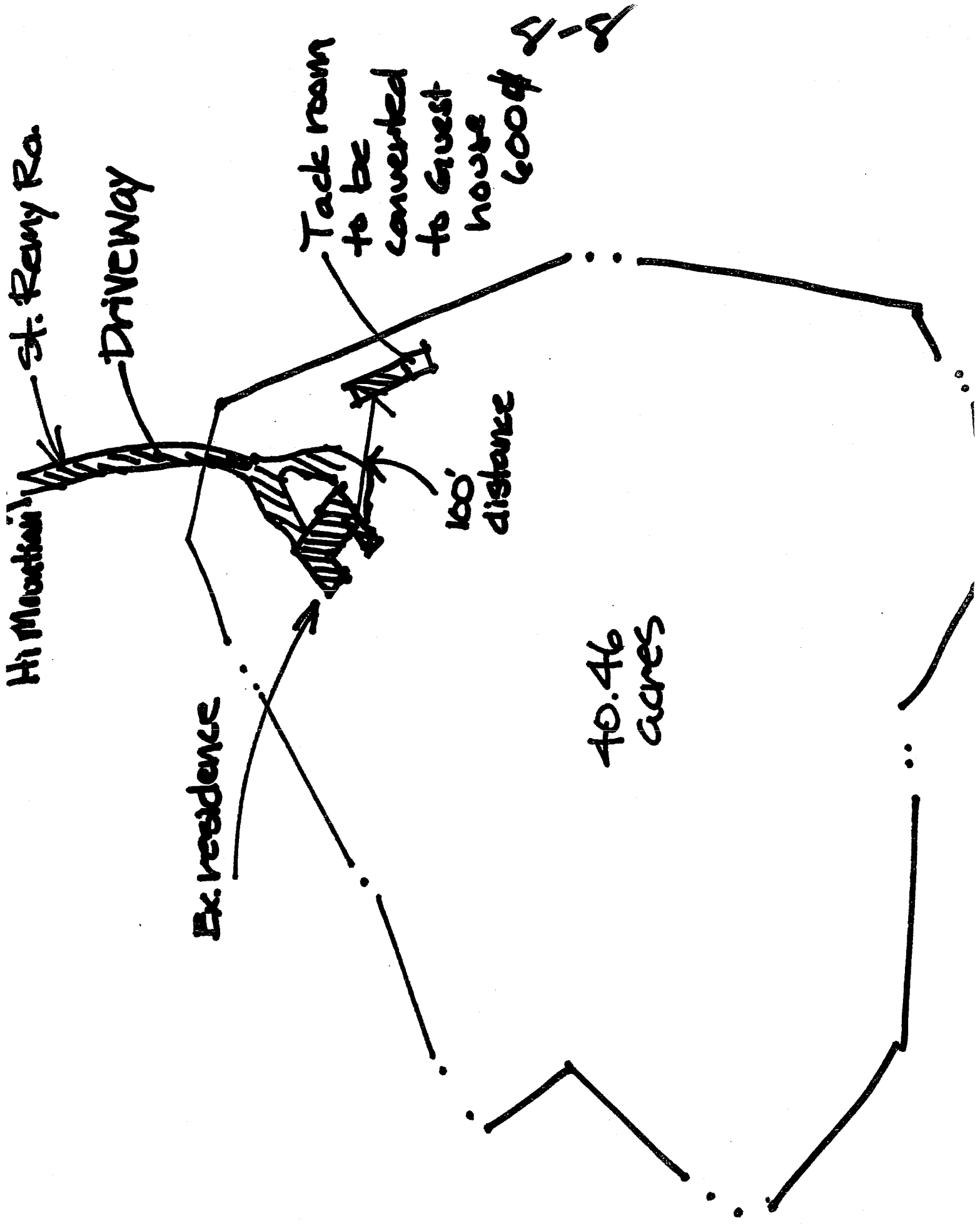
Driveway

Ex. residence

Tack room  
to be  
converted  
to guest  
house  
6000 sq-ft

100'  
distance

40.46  
acres







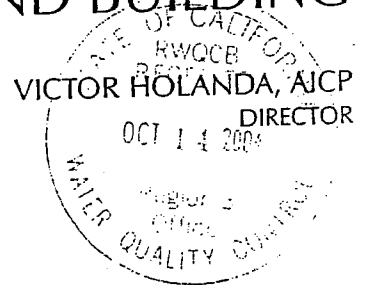
(SF)

8-9

6

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING  
RECEIVED

OCT 1 8 2004



Planning & Bldg  
THIS IS A NEW PROJECT REFERRAL

DATE:

10/13/04

TO:

RWQCB

FROM:

South Co. Team  
(Please direct response to the above)

MADDOX

DRC 2004-00081

Project Name and Number MUP

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION: MUP - to remodel existing tack room & hay storage bldg. Located off St. Remy Place in Arroyo Grande. Near Lopez Lake & Hi Mtn. Rd.

Return this letter with your comments attached no later than:

10/28/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES  
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Any septic system serving proposed development must comply with Basin Plan criteria for siting and design.

10.15.04

Date

Sorrel Marks

Name

549-3695

Phone Tu/Th/Fr

8-10

6



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

SF

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

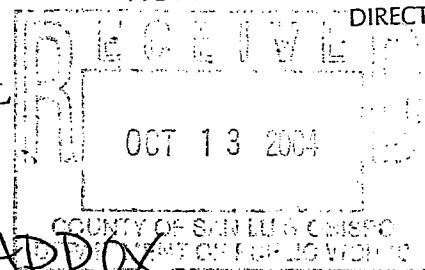
10/13/04

FROM

DW

FROM:

WB

South Co. Team  
(Please direct response to the above)MADDOX  
DRC 2004-00081  
Project Name and Number mup

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION:

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(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

## PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

## PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

RECOMMEND APPROVAL - No Concerns

03 Nov 2004  
DateGoodwin  
Name5252  
Phone

Revised 4/4/03

8-11

January 5, 2005

San Luis Obispo County  
Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

Re: Hearing to consider a request by Marilyn Maddox for a Minor Use Permit

I would like to request a hearing on this matter, as the current location of the barn to be modified has resulted in past litigation. Additionally, the plan submitted to your department by Ms. Maddox is vastly different from the most recent plan approved by the Ranchita Estates Architectural Review Committee (ARC).

Though I realize your department does not enforce, or recognize, CC&R's for communities such as Ranchita Estates, to avoid the potential for future litigation, I would like to give you some background on this situation.

Ms. Maddox has submitted several plans over the past year to the ARC, and had voluntarily withdrawn her application for the addition of a second story over the existing barn/tack building when it came before the Ranchita Estates Board of Directors. Please see enclosed copy of Board of Directors Special Meeting, dated December 7, 2003. I believe this is the same plan for which she now seeks approval from your department.

The current plan submitted by Ms. Maddox, and approved by our ARC, involves enclosing three sides of the carport area of her barn with no addition of a second story or living quarters.

This would not usually be of concern, but, as the documentation will outline, Ms. Maddox has, in the past, disregarded the ARC restrictions and rulings once she has received project approval from the Department of Planning and Building. Please see enclosed notes from Manderley Property Services, dated May 30, 1996 and June 6, 1996, Ranchita Estates ARC, dated June 7, 1996 and June 25, 1996, and Attorney Douglas Hilton, dated July 11, 1996.

As the documents detail, Ms. Maddox built her barn in a location other than that approved by the ARC, and refused, after repeated requests, to halt construction. She continued this same pattern with grading and drainage plans on the same property. The barn is currently located at a site that meets only the minimal setback requirements established by the county.

More recently, she has also attempted to bypass the ARC approval process for this same addition to the barn, by submitting plans directly to the Ranchita Estates Board of Directors. Please see notes on Board of Directors Meeting, dated August 7, 2004. It is our impression that Ms. Maddox is again attempting to

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PLANNING & BLDG

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bypass the ARC process, a process she agreed to abide by when purchasing her property, by applying for approval through your department.

These past actions by Ms. Maddox have resulted in litigation and the threat of litigation, a situation, I'm certain none of the interested parties would like to revisit. Though your department approved the barn, which Ms. Maddox would currently like to modify, its location has repeatedly proven to be less than suitable. As evidenced by the attached paperwork, once completing the barn, Ms. Maddox initiated litigation against us to access her barn, and other wilderness areas of her lot, via our property. Please see attached Complaint for Quiet Title Damages and Injunctive Relief, dated June 18, 1999.

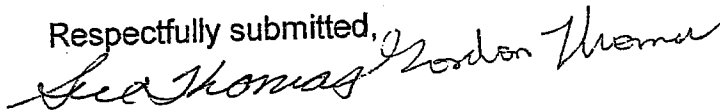
As outlined, she stated that the topography of her lot was such that she was unable to reach these areas from her own property. This same property was purchased by Ms. Maddox at auction, as an "as is" parcel, at which time she was obviously aware of the limitations posed by the topography.

To avoid a costly court battle, and to preserve the integrity and privacy of our property and the equestrian easement over which Ms. Maddox wanted vehicular access, we agreed to pay Ms. Maddox \$8,000 to dismiss the case. We were also responsible for our attorney expenses, which climbed to many thousands of dollars. Please see Stipulation and Order, dated June 30, 2000. Though we felt her suit was frivolous, our attorney advised that a court case would likely double or triple our ever increasing legal expenses.

At the time, there was certainly no way to foresee the potential for litigation in that situation. However, we now know that the potential exists and we shudder at the thought of the adverse consequences that new modifications to the barn could entail for us. Further, we feel that approval for this project by the Department of Planning and Building would give Ms. Maddox grounds for a legal argument, should the ARC deny plan approval.

We ask that you withhold approval for this project, as there are more suitable locations for a small residential structure/guest quarters on the Maddox property that will likely reduce the potential for future litigation against ourselves, and members of our community.

Respectfully submitted,

 Gordon Thomas

Gordon & Sue Thomas  
560 St. Remy Place  
Arroyo Grande, CA 93420  
805-474-4425

8-13

DRAFT

Ranchita Estates Homeowners Association  
Board of Directors Special Meeting  
December 7, 2003

Called to Order: 1:05 PM

**Board Members Present:**

Nancy Belt, Carolyn Claudy, John Hahn, Carl Hill, and Martin Scott.

**Also Present:**

John Claudy, Candy Duffy, Marilyn Maddox, Barbara Olsen, Peggy Scott, and Sue Thomas.

**Summary of the Meeting:** The Board met to hear an appeal of a decision made by the Architectural Review Committee at their November 8, 2003 meeting. At that meeting, the ARC approved, with conditions, the conversion of the barn on lot 13 to a combination building. The owners of lot 37 appealed the decision in a letter to the president of the association dated November 16, 2003.

Board president John Hahn explained to Ms Maddox, the owner of lot 13, that converting her barn to a combination building would prevent her from building another residence in her back canyon. According to Article IV, Section 4(c) of the Ranchita Estates Homeowners Association CC&Rs, "Each lot may have one combination building or one secondary residential structure, but not both."

\* To preserve the option to build a residence in her back canyon, Ms Maddox agreed to withdraw her application to convert her barn into a combination building. Since the application had been withdrawn, the Board approved a motion to withdraw the ARC approval of the combination building. (Hill/Scott, 5/0)

Ms Maddox indicated she would determine the County's requirements for building a guest house and seek approval from the ARC for a plan that would preserve her ability to build a second residence in the future.

**Next Meeting:** The next meeting of the board will be held at 9:30 AM on Saturday, January 3, 2004 at the Claudy's, 2115 Hi Mountain Road.

Submitted by Carolyn Claudy, Secretary/Board Member

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# Manderley

## Property Services

Quality service since 1981

May 30, 1996

Marilyn Maddox  
934 Longhorn Lane  
Arroyo Grande CA 93420

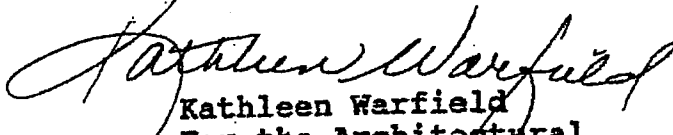
Dear Marilyn,

I missed you at the board meeting earlier this week; I've enjoyed the chance to see you from time to time. But there's a general membership meeting coming up on July 27; perhaps I'll run into you then.

\* I understand you have begun excavating for your house and barn; congratulations! It won't be long before you're out there permanently. Unfortunately, it appears you are deviating from the original site plan which was approved. Immediately, please, you must submit the updated site plan and grading plan to the Architectural Committee. And you must not proceed further until you have obtained their approval.

Thank you for your immediate attention to this matter.

Sincerely,

  
Kathleen Warfield  
For the Architectural  
Committee

KW:hs  
cc: Architectural Committee

Lot 13.605

8-15

**Manderley**

**Property  
Services**

*Quality service since 1981*

June 6, 1996

Marilyn Maddox  
934 Longhorn Lane  
Arroyo Grande CA 93420

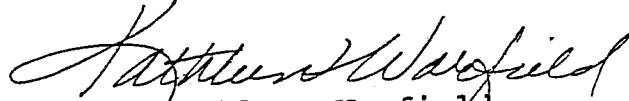
Dear Marilyn,

Thank you for sending me the minutes of the Architectural Committee meetings of January 9, 1996 and February 6, 1996. Unfortunately, it appears that you have deviated from the plans which were approved by the Architectural Committee (which were not enclosed in your letter, as requested).

\* Therefore, I must repeat the contents of my earlier letter: Immediately, please, you must submit the updated site plan and grading plan to the Architectural Committee. And you must not proceed further until you have obtained their approval.

Thank you for your immediate attention to this matter.

Sincerely,



Kathleen Warfield  
For the Architectural  
Committee

KW:hs  
cc: Architectural Committee  
Board Members

Lot 13.606

8-16

RECEIVED JUN 08 1996

Randy Frantz  
1865 Hi Mountain Road  
Arroyo Grande, CA. 93420

June 7, 1996

To: Ms. Marilyn Maddox, 934 Longhorn Lane, Arroyo Grande  
Re: Architectural Review Committee, Ranchita Estates

Dear Marilyn,

I am writing to you hoping that we may get together with a solution to recent events regarding your building activity.

I understand that you have had discussions with Harley Boos and have been told that your barn building site is inconsistent with respects to your original approved site plans. Since then, I have done a small investigation to look into the facts as they have developed over your history with Ranchita Estates. The following is what I have found:

1. The original drawing submitted by you to the ARC with assistance from Byron Grant shows your barn site to be to the north of the site you are currently grading and preparing for concrete. I have that original document in hand.
2. Rick Koon, Ron Linneman and Byron Grant have all supported the fact that this was the document they approved at that time.
3. Prior to acquiring your original site plan, I stopped by your property and spoke with your fiancée who was kind enough to let me review your approved (by the county) set of plans. He indicated that those were the ARC approved plans. I later discovered that there are serious differences between the two sites.
  - A. You have apparently graded without a county grading plan nor ARC approval.
  - B. Your drainage plan was done without engineering and without ARC knowledge or approval.
  - C. Your set-back from property lines is not approved by the ARC and is likely to be a county violation as well.

I need not remind you of your agreement to abide by the CC & Rs that you signed when you purchased your property. We all did so with hopes that, as a group, we could maintain certain features, appearances, property values, etc. that may not be possible without such rules. Believe me, we are not inflexible. There exist possibilities to adjust some of the CC & Rs to make more sense on a given property. But we must review plans in order to do so. There may be some changes in your design that would only benefit you that we might require. One thing that is of strong concern is your drainage design.

You are, at this time, requested to submit drawings and supporting documents to the ARC towards getting changes made to your project. Any continued construction in violation of the CC & Rs could have to be removed by you.

Sincerely,

Randy Frantz, Chairman, ARC Ranchita Estates



8-17

Ranchita Estates Architectural Review Committee  
c/o John Claudy  
10377 Amistad Court  
Cupertino, CA 95014  
1-408-257-9470

COPY

June 25, 1996

Spike and Marilyn Maddox Miller  
555 St Remy Place  
Arroyo Grande, CA 93420

Dear Spike and Marilyn:

This letter formally notifies you that your application for approval of a drainage plan and to construct an entrance gate on Lot 13 was reviewed and disapproved by the Architectural Review Committee on June 22, 1996.

After reviewing the drainage plan you submitted for the meeting on June 22, and comparing that plan with the site plan that was previously approved by the Architectural Review Committee on February 6, 1996, the Committee determined that the plan you are now implementing differs significantly from the approved plan with respect to the location of the barn, which now appears to be called an office/hay storage building. Given this, the Committee requests that you stop all work on this building, which is being built in a location that has not been reviewed or approved, and submit a new application for the building to the Committee.

As a part of the new application, you should also submit a drainage plan prepared by a registered civil engineer who is qualified to prepare such plans. The drainage plan prepared by the civil engineer should address the retention basin that you have constructed on Lot 13, including its location, capacity, and methods of construction. The drainage plan should also show the limits of the flooding that is expected to occur as a result of a "100 year storm."

The Committee is concerned that the office/hay storage building and the entrance gate may be damaged by a severe storm, such as we have experienced recently, and their presence could increase the potential for damage to structures and facilities further downstream.

The Committee is also concerned that the office/hay storage building is being constructed in front of and just downstream from the retention basin that you have built. As you are well aware, a retention basin that was built in essentially the same location last year washed out this past winter during a storm that was less severe than the storms two years ago. The Committee would like to be assured that the probability of the retention

8-18

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DOUGLAS HILTON

A LAW CORPORATION  
1457 MARSH STREET, SUITE 200  
SAN LUIS OBISPO, CALIFORNIA 93401-2921

DOUGLAS HILTON  
NANCY P. MONROE  
PARALEGAL

TELEPHONE (805) 544-7170  
FACSIMILE (805) 544-0297

July 11, 1996

Michael S. Krout  
A Law Corporation  
P.O. Box 1028  
San Luis Obispo, CA 93406

HAND DELIVERED

Re: Maddox/Ranchita Estates Homeowners Association

Dear Mike:

This letter is in response to your request that I send you information about the dispute between your client, Marilyn Maddox, and the Architectural Review Committee and Homeowners Association for Ranchita Estates.

Last January Marilyn Maddox appeared before the Architectural Review Committee and requested approval of plans for construction of a house and barn. The committee denied approval because it required a site plan and would not permit an apartment in the proposed barn. A copy of the committee minutes for January 9, 1996 is enclosed.

In February, your client resubmitted the application together with a site plan, and the plans were approved. A copy of the committee minutes for February 6, 1996 is enclosed.

When Marilyn Maddox began building she graded a pad for the barn at a location which is different than the one approved by the Architectural Review Committee. It is only 25 feet from the boundary line, and only 9 feet from a creek channel. The Homeowners Association informed her that she should not do any construction work until revised plans had been submitted and approved by the Architectural Review Committee. She failed to submit revised plans, and consequently Kathleen Warfield sent her a letter on May 30, 1996, a copy of which is enclosed. The letter tells Marilyn Maddox: "Immediately, please, you must submit the updated site plan and grading plan to the Architectural Committee. And you must not proceed further until you have obtained their approval."

Michael S. Krout  
Page 2  
July 11, 1996

When your client still failed to submit revised plans, she was contacted by Harley Boos, the president of the Homeowners Association. In addition, on June 7, 1996 Randy Frantz, the chairman of the Architectural Review Committee, sent her a letter which, among other things, again informed her of her obligation to submit drawings and supporting documents to the Architectural Review Committee, and that "Any continued construction in violation of the CC & Rs could have to be removed by you." A copy of his letter is enclosed.

Your client ignored the repeated requests of the Homeowners Association and Architectural Review Committee to submit revised plans for review by the Architectural Review Committee, and had a concrete slab poured in a location which is not approved and which is in direct violation of the CC&Rs. Her refusal to submit plans is puzzling, because she has been notified that action will be taken to require her to remove any improvements constructed without prior approval. Perhaps her reasoning is that the revised plans would not be approved, which is quite possible because of the inappropriate location. The present pad has an inadequate setback from the boundary line, and is less than 10 feet from the creek channel. Also, she has excavated an area within the creek channel which I believe she intends to use as a stock pond. In addition to not obtaining approval of the Architectural Review Committee, she did not obtain permission from the Department of Fish and Game and is in violation of their regulations. I am informed, but have not verified, that the septic system and leach lines for her home are also in a location which is different from the plan approved by the Architectural Review Committee.

When I spoke with Marilyn Maddox recently she said her recollection is that the plan approved by the Architectural Review Committee on February 6, 1996 is the same as her current plan which shows the barn in the location where she has poured a concrete slab. However, her recollection is clearly incorrect. The Architectural Review Committee has given me the plan which she submitted, and it shows the barn in a substantially different location. In addition, each member of the Architectural Review Committee will unequivocally testify that the latest plan showing the barn approximately 25 feet from the boundary line is not the plan that was submitted and approved. If you would like to inspect the plan approved by the Architectural Review Committee at its hearing on February 6, 1996, I will make it available to you at my office.

8-70

Michael S. Krout  
Page 3  
July 11, 1996

Your client will be doing herself a disservice if she continues to construct the barn in its present location. I doubt a court will have sympathy for her, or approve of the site as a "fait accompli," when she has received so many warnings both orally and in writing that she must first follow the procedures set forth in the CC&Rs.

I would recommend that

8-21

DRAFT

Ranchita Estates Homeowners Association  
Board of Directors Meeting  
August 7, 2004

Called to Order: 9:35 AM

**Board Members Present:**

Carolyn Claudy, Carl Hill, Holly Muir, and Martin Scott.

**Board Member Absent:**

Larry Dresher.

**Also Present:**

Lisa Wooden of Manderley Property Services, John Claudy, Steve Duffy, and Peggy Scott.

**Minutes of Prior Board Meetings**

The minutes of the regular meeting on May 15, 2004 were approved. (Muir/Hill, 4/0)

**Manager's Report**

Lisa reported that the reconciled figures for June were about \$18,866 in cash/checking, \$8,125 in operating investments, \$9,516 in cash reserves liquid, and \$36,206 in reserve term investments.

All owners are currently up-to-date on their dues.

Carolyn noted minor discrepancies in the account names and amounts between the monthly budget comparison and the approved budget. She also asked about the NSF fees item.

The board also discussed which accounts paid the expense for clearing around the base of the power poles. We agreed to resolve this and other issues during the 2005 budget discussions.

AI-04-18: Lisa will run a ledger on everything that has been allocated out of the power system accounts and email the board. She will also determine Manderley's accounting procedure for billing owners for fees paid for bounced checks.

**Committee Reports**

**Architectural Review Committee (ARC):** Chair John Claudy reported that there are no pending applications. The committee will schedule a meeting when an application is received.

The board received a letter from the owner of lot 13 requesting approval to begin construction of an addition to her barn without ARC approval. Martin spoke to the owner and Carolyn wrote a letter explaining that ARC approval was necessary for the addition.

The ARC also expects an application for the barn on lot 20.

**Trails Committee:** Peggy Scott agreed to be interim chair of the committee, at least until the first meeting. She had nothing to report.

Lisa indicated Ranchita's workmen's compensation insurance would cover a homeowner if the committee hired him or her to perform work on our trails.

\* 19: Carolyn will check with Donna Anderson about the status of trail waivers.

otion to dedicate a portion of Ranchita's trails in memory of Nancy Belt.

Trails Committee will work on dedicating a portion of the Ranchita trails in memory of Nancy Belt.

8-72

(ENDORSED)  
FILED  
SAN LUIS OBISPO  
SUPERIOR COURT

JUN 18 1999

DENNIS J. GRAVELLE  
COURT EXECUTIVE OFFICER  
ELEANOR M. WILSON  
BY DEPUTY CLERK

ROY E. OGDEN, ESQ., #126961  
Law Offices of Roy E. Ogden  
1060 Palm Street, Suite D  
San Luis Obispo, California 93401

Telephone: (805) 544-5600  
Fax: (805) 544-7700

Attorney for Marilyn Gail Maddox-Miller

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

MARILYN GAIL MADDUX-MILLER,

Plaintiff,

vs.

GORDON THOMAS, an individual; SUE  
THOMAS, an individual; LARRY  
STRAUSBAUGH, an individual; and all  
persons claiming by, through, or under any of  
the foregoing persons, and all persons  
unknown, claiming any legal or equitable  
right, title, estate, lien, or interest in the  
property described in the complaint adverse to  
Plaintiff's title, or any other cloud on Plaintiff's  
title thereto, named herein as DOES 1 through  
25, inclusive; and DOES 26 through 50,  
inclusive,

Defendants.

Case No.:

CV990559

COMPLAINT FOR QUIET TITLE,  
DAMAGES AND INJUNCTIVE  
RELIEF

FAST TRACK

Plaintiff Marilyn Gail Maddox-Miller ("Plaintiff") complains against  
Defendants, and each of them, and, alleges as follows:

PRELIMINARY ALLEGATIONS

1. Plaintiff is, and at all times relevant herein was, an individual  
residing in the County of San Luis Obispo, State of California and the owner of certain real  
property situated in the County of San Luis Obispo, California, commonly referred to as

1 555 Saint Remy Place, Arroyo Grande, California, Assessor's Parcel No. 085-136-083, and  
2 described in a deed recorded on January 10, 1997 as Document No. 1997-001490 in the  
3 Official Records of San Luis Obispo County, a true and complete copy of which is  
4 attached hereto as Exhibit "A" ("Plaintiff's Property"). Plaintiff has improved Plaintiff's  
5 Property with a custom home, barn and corral. Plaintiff resides on Plaintiff's Property  
6 with her husband.

7           2. Plaintiff is informed and believes, and based thereon alleges, that  
8 Defendants Gordon and Sue Thomas (collectively, "Thomas Defendants") are, and at all  
9 times relevant herein were, individuals and owners of certain real property situated in the  
10 County of San Luis Obispo, California, commonly referred to as 560 Saint Remy Place,  
11 Arroyo Grande, California, Assessor's Parcel No. 085-136-002, and described in a deed  
12 recorded on November 6, 1996 as Document No. 1996-057163 in the Official Records of  
13 San Luis Obispo County, a true and complete copy of which is attached hereto as Exhibit  
14 "B" ("the Thomas Defendants' Property"). The Thomas Defendants' Property is located  
15 adjacent to and shares a common boundary with Plaintiff's Property.

16           3. Plaintiff is informed and believes, and based thereon alleges, that  
17 Defendant Larry Strausbaugh is, and at all times relevant herein was, the owner of certain  
18 real property rights in the Ranchita Estates development where Plaintiff's Property is  
19 located and claims an interest adverse to Plaintiff's title in the property described in the  
20 complaint.

21           4. Defendants herein named as all persons unknown claiming any legal  
22 or equitable right, title, estate, lien or interest in the property described in the complaint  
23 adverse to Plaintiff's title, or any cloud on Plaintiff's title thereto, named as Does 1  
24 through 25, inclusive, are unknown to Plaintiff. Plaintiff is informed and believes, and  
25 based thereon alleges, that such Defendants, and each of them, claim some right, title,  
26 estate, lien or interest in the property described in the complaint adverse to Plaintiff's title  
27 and such claim or claims constitute a cloud on Plaintiff's title thereto. Such claim or  
28 claims are without any right whatsoever and such Defendants have no right, title, estate,

lien or interest whatsoever in Plaintiff's title and interest as described herein, or any part thereof. Plaintiff will amend this Complaint to allege the true names and capacities of said Defendants when ascertained.

5. Plaintiff is ignorant of the true names and capacities of the Defendants sued herein as Does 26 through 50, inclusive, and therefore sues such Defendants by said fictitious names. Plaintiff will amend this Complaint to allege the true names and capacities of said Defendants when ascertained. Plaintiff is informed and believes and based thereon alleges that each such fictitiously-named Defendant participated in the obstruction of Plaintiff's free use and enjoyment of Plaintiff's Property as herein alleged.

6. In doing the acts herein alleged, each of the above Defendants was acting as the agent, servant and/or employee of each of the remaining Defendants and was acting within the course and scope of said agency and/or employment. Moreover, each Defendant authorized, consented to and/or ratified the acts of each of the remaining Defendants.

7. Plaintiff is informed and believes, and based thereon alleges that, until about 1996, Plaintiff's Property and the Thomas Defendants' Property were held under common ownership. Plaintiff is also informed and believes, and based thereon alleges that, Plaintiff's Property was first divided from Defendants' Property by lot line adjustment in 1990.

#### FIRST CAUSE OF ACTION

##### (To Establish Easement by Implication – Plaintiff Against All Defendants)

8. Plaintiff realleges and incorporates paragraphs 1 through 6, inclusive.

9. Because of the topography of Plaintiff's Property, access to the rear portions of the level area of Plaintiff's Property is by means of a road which extends a short distance into the Thomas Defendant's Property along the common property line between Plaintiff's Property and the Thomas Defendants' Property. Plaintiff is informed and believes, and based thereon alleges that the road ("Access Road") has been in existence for over 30



1 years. The location of the Access Road where it traverses the Thomas Defendants' Property  
2 is shown on a map that was provided to Plaintiff before she purchased Plaintiff's Property. A  
3 true and complete copy of such map which shows the location of the Access Road is attached  
4 hereto as Exhibit "C".

5 10. There is a stock pond located on Plaintiff's Property. The stock pond,  
6 along with other related features of Plaintiff's Property are imperative to the control of erosion  
7 on Plaintiff's Property and the property of others. Plaintiff is informed and believes, and  
8 based thereon alleges, that the stock pond has been in existence for over thirty years. There is  
9 a canyon located on Plaintiff's Property. There is also a custom barn and corral located on  
10 Plaintiff's Property which have been in existence for over three years. Plaintiff is informed  
11 and believes, and based thereon alleges, that the Access Road is, and has always been, the  
12 only vehicular access to the stock pond and canyon. The Access Road is, and has always  
13 been, the only vehicular access to the barn and corral on Plaintiff's Property. Plaintiff was led  
14 by the Grantor of Plaintiff's Property (Defendants' predecessor-in-title) to believe that  
15 Plaintiff would have access to Plaintiff's Property and the Access Road before Plaintiff  
16 purchased Plaintiff's Property.

17 11. In about 1990, when Plaintiff's Property was split off from the  
18 Thomas Defendants' Property, the Access Road was reasonably necessary for the beneficial  
19 use of Plaintiff's Property. At the time of said division, an easement appurtenant was created  
20 by implication over the Thomas Defendants' Property for use of the portion of the Access  
21 Road which is located on the Thomas Defendants' Property.

22 12. Plaintiff has been seized and possessed of the that portion of the  
23 Access Road over the Thomas Defendants' Property within five years before the  
24 commencement of this action.

25 13. Plaintiff seeks to quiet title as of the date of the filing of this  
26 Complaint.  
27

28 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

8-76

8-76

FILED  
JUN 29 2000  
JUN 29 2000

1 THOMAS P. MOOS - #120042  
ATTORNEY AT LAW  
2 1329 Broad St., Suite D  
San Luis Obispo, Ca. 93401

3 (805) 541-1549

4 Defendants, Sue and Gordon Thomas

5  
6 SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 FOR THE COUNTY OF SAN LUIS OBISPO

8 Filed Via Fax

9 MARILYN GAIL MADDOX-MILLER )

Case No. CV990559

10 )  
Plaintiff, )

STIPULATION AND ORDER

11 )  
vs. )

12 )  
13 GORDON THOMAS, SUE THOMAS and )  
LARRY STRAUSBAUGH et al., )

14 )  
15 Defendants. )

16 The parties hereto having participated in a mediation  
17 on May 19, 2000, stipulate and agree that:

18 1. That plaintiff, Marilyn Maddox-Miller, may  
19 continue her use of the "Road" as set forth in the order dated  
20 July 12, 1999, for a period of nine (9) months from May 19, 2000,  
21 except that under no circumstances may "Spike" Miller be permitted  
22 by plaintiff to use the road for any reason whatsoever.

23 2. That on February 19, 2001, plaintiff's use of the  
24 road will be reduced to hiking, biking and equestrian use as set  
25 forth in the Covenants, Conditions and Restrictions (CC&R's) of  
26 record which govern the use of said road, however, plaintiff may  
27 exercise any rights to use the road which may be available to any  
28 other residents by way of an amendment to the CC&R's.

8-27

1           3. That defendants, Gordon and Sue Thomas, will pay  
2 to plaintiff \$8,000.00 upon execution of this stipulation.

3           4. That the plaintiff's action in the San Luis Obispo  
4 Superior Court, Case #CV990559 will be dismissed, with prejudice,  
5 upon the completion of a road on plaintiff's property which allows  
6 her access to her barn and back canyon area and that if the action  
7 has not been dismissed already, it will be dismissed by order of  
8 the court on March 1, 2001.

9           5. That each party to this action will be responsible  
10 for their own attorney's fees and costs of suit.

11           6. That the court will retain jurisdiction over the  
12 parties hereto to enforce the terms of the agreement until  
13 performance in full of the agreement pursuant to California Code  
14 of Civil Procedure Section 664.6.

15           7. That this agreement shall be enforceable as a  
16 judgment and attorney's fees and costs shall be awarded to the  
17 prevailing party in the event of any court action to enforce its  
18 terms.

19           8. This agreement shall inure to the benefit of and  
20 be binding on each of the parties and their heirs, personal  
21 representatives, assigns and successors in interest.

22  
23 Dated: June \_\_\_\_, 2000

\_\_\_\_\_  
Marilyn Maddox-Miller, Plaintiff

24  
25 Dated: June 26, 2000

\_\_\_\_\_  
*Gordon Thomas*  
Gordon Thomas, Defendant

26  
27 Dated: June 26, 2000

\_\_\_\_\_  
*Sue Thomas*  
Sue Thomas, Defendant

28

8-28

FAX 781 5624

January 10, 2005

San Luis Obispo County  
Dept of Bldg & Planning  
County Gov. Center  
SLO, Ca. 93408

Re: County File No. DRC2004-00081

Attn: Andrea Miller, Proj. Planner &  
Ramona Hedges, Secretary

I have received notice of request for hearing, including paperwork from the Thomases.

I feel it is necessary to respond to clarify, as briefly as possible, the erroneous claims against me and my character. I will bring additional proof of the following:

1) Thomases letter (3rd paragraph) -

My 1st plans were approved by the ARC on 11/8/03. The Thomases appealed this decision, and I did withdraw my plan as drawn because it was being seen as a combination bldg, instead of guest house, by B.O.D. on 12/1/03. (letters attached)  
(1st plans & withdrawal of same).

However, as letter of w/d states, I began process of obtaining from the

8-29

Jan. 11 2005 04:21PM P2

County, my architect & a few contractors. Adding to this direction, letter of 4/1/04 from John Clardy, Chairman of APC, who explains how he was able to build a guesthouse here. (Second to last paragraph, letter 3). Around 8/1/04, I notified the BOD that I was pursuing a 'guesthouse', and requested only approval on what was previously approved; as I had hired my architect on 2/4/04 to finalize plans. (Plans on existing barn since 1996, 3 yr. prior to Thomas quit)

On 11/12/04, I submitted these plans to the County, feeling that I had more than done everything expected or required of me, and that this project lay in the hands of the County. If approved, I would notify the BOD. This project so far has taken over a year, because I am doing things properly, and because of a delay brought on by the Thomases.

This has cost me more than \$5,000 so far, plus time. I am single, on disability, and get a <sup>+ require addit. surgery</sup> ~~near illness~~ this year. I need this guesthouse so that my cousin or friend can help me occasionally, and through surgery. There was no reason that the Thomases provided that I should not be able to have a guest house on my property.

8-30

2) Lastly, the Thomases brought up 'litigation', 10 times in their letter. As far as issues of 1995-96, they were resolved by 1997, with all parties agreed - all outside of court.

I did have to file a civil suit against the Thomases, who moved here around 5/99, because they put up a barricade so that I could not use my barn. (After using it without problems for 3 1/3 yrs). Following <sup>last</sup> attempts for 1 1/2 yrs, we went to mediation and the Judge found in my favor in the amt. of \$8,000. I paid \$13,000+ in attorney fees; so everyone lost unnecessarily.

The Thomases' account of past issues is extremely twisted. They state they would not expect 'litigation' in that situation - <sup>(99)</sup> not being able to access my barn for delivery of <sup>(2nd last paragraph)</sup> ~~feed~~ <sup>feed</sup> & <sup>at</sup> ~~barriers & vets~~, is a libelous threat, and situation, (After using access for 3 1/2 yrs, and having Mr. Thomas' OK, written & verbal since 1996).

Please do not withhold approval of this project, as there is no other suitable location that is affordable to me at this time. 1999

The Thomases built a 800' sq. storage bldg, with bath, directly across from my view, without prior County approval. I was not notified, or given a chance of hearing - probably because the Panthers were not notified. In this instance.

8-31

a 'storage unit' could be put in their back canyon, not in their front yard - but my opinions were ignored.

They have incurred many other violations, with the CDF, CCR's and drainage issues.

I will bring photos to hearing. That said, the gist is the gist.

Again, I reiterate my need for a 'guest house'. I cannot see any problems to anyone in approving this application. (all I can see is a 'preference' from the Thomes's - that is truly ridiculous)

Thank you for your time.

Sincerely,

Maile Gail Maddox

CC: Andrea Miller, Project Planner  
Ramona Helgas, Secretary

P.S. Do I need to bring the legal documents from these allegations? at 10 & 5 yrs. ago?

8-32

April 1, 2004

Barney, Donna, Kathy, Peggy and Rene,

Part of

Letter from John Cloudy, 3  
Chairman of ARC  
(Has a guesthouse)

Attached is a copy of the ARC application that Marilyn Maddox gave me this past Saturday at the Ranchita Annual meeting. This application is, in part, very similar to the application that Marilyn submitted to the ARC in the fall of last year. One difference is that the current application does not include two floor plan sketches that were a part of the previous application. I am also attaching copies of those floor plan sketches to this message. I think it is best that each of you be able to review these materials in advance and decide on the issues that you will want to explore at the ARC meeting on April 10. It is also possible that we will want to visit Lot 13 during the meeting.

There are a couple of important points you should keep in mind as you review these materials, and especially at the meeting.

In her first sentence Marilyn says she wants to build a guesthouse. A guesthouse is a SLO County concept, not a Ranchita concept. Based on my understanding of the SLO County ordinance, to be an official SLO County guest house, a structure must meet certain criteria: not more than 600 feet of conditioned living space; served by the same electric meter as the main house; not more than 50 feet from the main house; plus some other minor requirements. The importance of this is that SLO County allows two residential structures on agricultural lots such as those at Ranchita. But a guesthouse that meets the County requirements, and is approved as a guesthouse by the County, is not counted as one of those two allowed residential structures. Rather, it is counted as detached bedrooms that are part of the main structure that is no more than 50 feet away. That means that from the County point of view, on an agricultural lot such as those at Ranchita, even after a house and a County approved guesthouse were built, there would still be an entitlement to construct a second residential structure. I also think it means, so far as SLO County is concerned, that the owner of a lot at Ranchita could have two residences, each with a detached guesthouse. But if a small detached residential structure, such as Marilyn wants to build, does not meet the County requirements for a guesthouse, then it uses up the entitlement to the second allowed residential structure on the lot. I know.

also said combs. bldg

act. bldg. s.f.

yes,

Currently there are only two County approved guesthouses at Ranchita, the one the Rawlings build adjacent to their new house, and the one that Carolyn and I are now building.

It is my sense that both of the alternate sites that Marilyn proposes for her structure are more than 50 feet from her existing house and thus they do not meet the SLO County requirements for a County approved guest house. Thus we will probably need to treat this as an application for the second allowed residential structure on Lot 13, not as an application for a County approved guesthouse. (In the interest of full disclosure, it is possible to build a County approved guest house more than 50 feet from the main house, but to do that it is necessary to apply to the SLO County Planning Commission for what



8-33

*County Addition of 200' Antler*  
used to be called a Minor Use Permit to increase the distance. This is in fact what Carolyn and I did since, because we did not want to interfere with existing oak trees, we got the County's permission to build it 75 feet from the main house. The Minor Use Permit process takes 6 to 8 months to complete. To the best of my knowledge, Marilyn has not initiated such a process.) — *Your knowledge?*

According to the CC&Rs, if the first residential structure on a lot is a conforming residence (and Marilyn's existing house is such a conforming residence), the second allowed residential structure on a lot at Ranchita can be either what is known as a combination building with a minimum ground-level footprint of 1,200 square feet, or a stand-alone residential structure of any size. Examples of combination buildings are the Hahn-Anderson barn, the DeBeer barn, the Worsham barn, and the Duffy barn. Currently Tom Campbell and Jane Maxwell have the only stand-alone second residential structure at Ranchita.

I hope this background information is useful to you, and not too boring. I'll plan to cover it again at the start of the ARC meeting so that those in the audience will be aware of the situation.

See you on the 10<sup>th</sup>.

Take care,

Cc: Marilyn Maddox

8-34

Architectural Review Committee  
Ranchita Estates

Summary of Meeting Held November 8, 2003

Rec. 11/28

1st Plans

Committee Members Taking Part: Ann Boos, John Claudy, Candy Duffy, Holly Muir, Barney Northcote  
Property Owners and Guests Present: Carolyn Claudy, Steve Duffy, Marilyn Maddox, Sue Thomas

Note: The ARC's approval of Item 1 below has been appealed to the Ranchita Estates Homeowners Association Board of Directors. Therefore this approval is on hold. The Board will schedule a meeting to consider this appeal and will notify the Association membership of the date of the meeting.

1. Approved, in concept, the application of Marilyn Maddox, Lot 13, to convert an existing barn into a combination building containing both barn space and residential space. (Northcote/Boos, 5/0)

This conceptual approval was contingent on compliance with the following conditions as well as all applicable provisions of the Ranchita Estates CC&Rs and San Luis Obispo County ordinances:

- a. The residential portion of the combination building may be two stories in height.
- b. Unless the residential space is approved by San Luis Obispo County as a guest house, this building shall constitute the second residential structure on Lot 13.
- c. No portion of the building shall be closer than 25 feet from the common property line with Lot 37.
- d. The architecture of the building shall match that of the existing barn and the existing house.
- e. The roof of the building shall be flat.
- f. The ground floor footprint of the building, including the barn area, the living space, and the breezeway between them shall be at least 1,200 square feet as required by the CC&Rs.
- g. The building may contain up to 750 square feet of living space (375 square feet in each story).
- h. The living space on the second floor shall be no larger than the living space on the first floor.
- i. The lower level of the living space shall be constructed within the footprint of the existing carport.
- j. The windows and exterior doors in the living space shall be in conformance with the following restrictions:
  - On the west (front) elevation (the elevation facing the existing dwelling)  
No restrictions on windows and exterior doors
  - On the south (up-canyon) elevation  
On the upper floor, no windows  
On the lower floor, one large window located toward the front of the building and no exterior doors

would  
be  
OK

To consider  
what?  
CC&R's  
existing  
might to  
add. home.

9-35

- On the east (back) elevation (the elevation facing the private Ranchita trail)  
On the upper floor, only one, moderately sized, casement window located on the portion of the wall nearest the barn  
On the lower floor, no exterior doors and no more than two small windows set high on the wall
- On the north (barn) elevation (the elevation adjacent to and facing the existing barn)  
No restrictions on the windows and exterior doors.
- k. The roof and exterior of the building shall be of fireproof materials.
- l. The interior of the residential portion of the combination building shall be provided with approved fire sprinklers.
- m. If the applicant wishes to deviate from any of these conditions she shall return to the ARC with a revised application.

2. Approved; as submitted, the application of Steve and Candy Duffy, Lot 12, to construct an open-sided, metal, MD pasture shelter in the pasture adjacent to their driveway. Approval was contingent on compliance with all applicable provisions of the Ranchita Estates CC&Rs and San Luis Obispo County ordinances.  
(Northcote/Muir, 4/0/1, Duffy abstained)

The Committee will set a date for the next meeting when an application is received. Please submit applications to John Claudy, 10377 Amistad Court, Cupertino, CA 95014. Call John at home, 408-257-9470, or work, 650-843-8143, if you have questions or would like to discuss submitting an application. John's new e-mail address is [cjclaudy@earthlink.net](mailto:cjclaudy@earthlink.net). You can reach the Claudys at Ranchita on most weekends at 805-474-9910.

The CC&Rs require that homeowners obtain the approval of the ARC for all development, including installing fences and building ponds, before construction begins. The Board of Directors has asked the ARC to remind all homeowners that an application is considered to have been submitted to the ARC when a member of the Committee receives it or it is delivered to the business office of the Association (Manderley Property Services).

8-36

**Ranchita Estates Homeowners Association  
Board of Directors Special Meeting  
December 7, 2003**

*2nd  
edit*  
**DRAFT**

**Called to Order:** 1:05 PM

**Board Members Present:**

Nancy Belt, Carolyn Claudy, John Hahn, Carl Hill, and Martin Scott.

**Also Present:**

John Claudy, Candy Duffy, Marilyn Maddox, Barbara Olsen, Peggy Scott, and Sue Thomas.

**Summary of the Meeting:** The Board met to hear an appeal of a decision made by the Architectural Review Committee at their November 8, 2003 meeting. At that meeting, the ARC approved, with conditions, the conversion of the barn on lot 13 to a combination building. The owners of lot 37 appealed the decision in a letter to the president of the association dated November 16, 2003.

Board president John Hahn explained to Ms Maddox, the owner of lot 13, that converting her barn to a combination building would prevent her from building another residence in her back canyon. According to Article IV, Section 4(c) of the Ranchita Estates Homeowners Association CC&Rs, "Each lot may have one combination building or one secondary residential structure, but not both."

To preserve the option to build a residence in her back canyon, Ms Maddox agreed to withdraw her application to convert her barn into a combination building. Since the application had been withdrawn, the Board approved a motion to withdraw the ARC approval of the combination building. (Hill/Scott, 5/0)

Ms Maddox indicated she would determine the County's requirements for building a guest house and seek approval from the ARC for a plan that would preserve her ability to build a second residence in the future. ★

**Next Meeting:** The next meeting of the board will be held at 9:30 AM on Saturday, January 3, 2004 at the Claudy's, 2115 Hi Mountain Road.

Submitted by Carolyn Claudy, Secretary/Board Member